

AMENDED IN ASSEMBLY APRIL 24, 2006

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3011

Introduced by Assembly Member Benoit

February 24, 2006

An act to amend Sections 2800, 8800, 16020, 16502, 22651.4, 34500, 34507, 34507.5, 34517, and 40303 of, to amend and renumber Section 6855 of, to add Section 34500.3 to, and to repeal Chapter 2 (commencing with Section 29200), Chapter 3 (commencing with Section 29800), and Chapter 4 (commencing with Section 30800) of, and Article 3 (commencing with Section 31500), Article 4 (commencing with Section 31510), Article 5 (commencing with Section 31520), and Article 6 (commencing with Section 31530) of Chapter 5 of, Division 13 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3011, as amended, Benoit. Vehicles.

(1) Existing law provides that it is unlawful to fail or refuse to comply with a lawful out-of-service order issued by a peace officer, as defined, when that peace officer is in uniform and is performing duties pursuant to the Vehicle Code and the order complies with specified requirements.

This bill would include an authorized employee of the Department of the California Highway Patrol (department) as a person whose order it is unlawful to fail or refuse to comply with, and change the requirements with which the order is required to comply. By changing

the definition of a crime, the bill would impose a state-mandated local program.

The bill would also provide that it is unlawful to fail or refuse to comply with a lawful out-of-service order issued by a peace officer or a commercial vehicle inspector, of a state, province of Canada, or federal government of the United States, Canada, or Mexico, if specified requirements are met.

(2) Existing law prohibits a foreign motor carrier or foreign private motor carrier required to have, a specified, certificate of registration from operating without the certificate in the vehicle, operating beyond the limitations of the certificate, or refusing to show the certificate upon request by a peace officer.

The bill additionally would prohibit a motor carrier that is required to be registered as specified from operating in the state without the registration, operating beyond the limitations or restrictions specified in the registration, or operating in the state without the required operating authority. The bill would make a violation of the existing prohibition and the new prohibition an infraction punishable by a fine of \$1,000, thereby imposing a state-mandated local program. The bill would authorize a member of the department to impound a vehicle operating in violation of these prohibitions, and its cargo, until the citation and all charges related to the impoundment are cleared.

(3) Existing law authorizes the Department of Motor Vehicles (DMV) to suspend, cancel, or revoke the registration of a vehicle or certificate of ownership, registration card, license plate, or permit, under specified circumstances.

The bill would ~~require~~ *authorize* the DMV to suspend the registration of all vehicles registered in the name of a person, under specified circumstances, including when the United States Secretary of the Department of Transportation or his or her designee issues a lawful out-of-service order as specified, when the DMV suspends or revokes a motor carrier of property permit, or when the Public Utilities Commission suspends or revokes operating authority or private registration.

(4) Existing law requires a driver and an owner of a motor vehicle to be able to establish financial responsibility, as specified. Existing law specifies the documents that constitute evidence of financial responsibility, including an identifying number issued by a specified federal agency, if certain requirements are met.

The bill would delete that document from the list of documents constituting evidence of financial responsibility.

The bill would require a motor vehicle from another country in which there is no evidence of financial responsibility required as specified, to be denied entry into the state.

(5) Existing law authorizes a peace officer, as defined, to impound a vehicle and its cargo, as specified.

The bill would authorize a member of the department to impound a vehicle and its cargo, as specified.

(6) Existing law requires the department to adopt and enforce regulations relating to the safe loading, securement, and transporting of logs and poles, as specified; safe loading, securement, and transporting of lumber and lumber products, as specified; safe loading, securement, and transporting of baled hay and baled straw, as specified; proper loading and securing of metal products, as specified; safe loading, securement, and transportation of loads consisting of baled cotton, baled paper, and baled jute, as specified; and safe loading, securement, and transportation of loads of wooden boxes, as specified. Existing law provides that it is a crime to fail to comply with those regulations. Existing law prohibits a vehicle upon which a trailer is loaded from being driven or moved on a highway unless the trailer is securely bound to the vehicle, as specified. Existing law requires logging dollies being carried on a truck to be secured, as specified.

The bill would repeal those provisions.

The bill would require the department to adopt rules and regulations that are designed to promote the safe operation of vehicles, regarding cargo securement standards, as specified.

(7) Existing law requires the department to regulate the safe operation of specified vehicles, including buses, schoolbuses, and general public paratransit vehicles.

The bill would include in that list of vehicles the safe operation of which the department is required to regulate, farm labor vehicles, as defined.

(8) Existing law requires certain vehicles to prominently display a distinctive identifying symbol, as specified.

The bill would expand the vehicles to which that requirement applies and change the distinctive identifying symbol a vehicle is required to display.

(9) Existing law requires the carrier identification number assigned to the motor carrier under whose operating authority or motor carrier permit a vehicle or combination of vehicles is being operated to be displayed on both sides of each vehicle, or on both sides of at least one motor vehicle in each combination of specified vehicles while engaged in intrastate commerce.

The bill would delete the intrastate commerce limitation for that requirement.

(10) The bill would delete obsolete references to the Interstate Commerce Commission and instead refer to the United States Secretary of the Department of Transportation.

(11) The bill would make related changes.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2800 of the Vehicle Code is amended to
2 read:
3 2800. (a) It is unlawful to willfully fail or refuse to comply
4 with a lawful order, signal, or direction of a peace officer, as
5 defined in Chapter 4.5 (commencing with Section 830) of Title 3
6 of Part 2 of the Penal Code, when that peace officer is in uniform
7 and is performing duties pursuant to any of the provisions of this
8 code, or to refuse to submit to a lawful inspection pursuant to this
9 code.
10 (b) Except as authorized pursuant to Section 24004, it is
11 unlawful to fail or refuse to comply with a lawful out-of-service
12 order issued by an authorized employee of the Department of the
13 California Highway Patrol or by a uniformed peace officer, as
14 defined in Chapter 4.5 (commencing with Section 830) of Title 3
15 of Part 2 of the Penal Code, when that peace officer or authorized
16 employee is performing duties pursuant to any provision of this

code and the out-of-service order complies with Section 395.13 or 396.9 of Title 49 of the Code of Federal Regulations.

(c) It is unlawful to fail or refuse to comply with a lawful out-of-service order issued by the United States Secretary of the Department of Transportation.

(d) It is unlawful to fail or refuse to comply with a lawful out-of-service order issued by a peace officer or commercial vehicle inspector, of any state, any province of Canada, or the federal government of the United States, Canada, or Mexico, when that peace officer or commercial vehicle inspector is in uniform and is performing duties under any provisions of state, provincial, federal, or Mexican law and the out-of-service order complies with Section 395.13 or 396.9 of Title 49 of the Code of Federal Regulations.

SEC. 2. Section 6855 of the Vehicle Code is amended and renumbered to read:

34518. (a) A foreign motor carrier or foreign private motor carrier required to have a certificate of registration issued by the United States Secretary of the Department of Transportation pursuant to Part 368 of Title 49 of the Code of Federal Regulations shall not do any of the following:

(1) Operate in this state without the required certificate in the vehicle.

(2) Operate beyond the limitations or restrictions specified in the certificate as issued.

(3) Refuse to show the certificate upon request of a peace officer.

(b) A motor carrier required to be registered with the United States Secretary of the Department of Transportation pursuant to Section 13902 of Title 49 of the United States Code or Part 390 (commencing with Section 390.1) of Title 49 of the Code of Federal Regulations shall not do any of the following:

(1) Operate in this state without the required registration.

(2) Operate beyond the limitations or restrictions specified in its registration.

(3) Operate in this state without the required operating authority.

(c) A violation of subdivision (a) or subdivision (b) is an infraction punishable by a fine of one thousand dollars (\$1,000).

(d) A member of the Department of the California Highway Patrol may impound a vehicle operated in violation of this section and its cargo, until the citation and all charges related to the impoundment are cleared.

(e) As used in this section “limitations” or “restrictions” include definitions of “commercial zones,” “municipality,” “contiguous municipalities,” “unincorporated area,” and “terminal areas,” in Part 372 (commencing with Section 372.101) of Title 49 of the Code of Federal Regulations.

SEC. 3. Section 8800 of the Vehicle Code is amended to read:

8800. (a) The department may suspend, cancel, or revoke the registration of a vehicle or a certificate of ownership, registration card, license plate, or permit under any of the following circumstances:

(1) When the department is satisfied that the registration or the certificate, card, plate, or permit was fraudulently obtained or erroneously issued.

(2) When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(3) When a registered vehicle has been dismantled or wrecked.

(4) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand.

(5) When a registration card, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

(6) When the registration could have been refused when last issued or renewed.

(7) When the department determines that the owner or legal owner has committed an offense under Sections 20 (with respect to an application for the registration of a vehicle), 4000, 4159 to 4163, inclusive, 4454, 4456, 4461, 4463, 5202, 10750, and 10751, involving the registration or the certificate, card, plate, or permit to be suspended, canceled, or revoked.

(8) When the department is so authorized pursuant to any other provision of law.

1 (b) The department ~~shall~~ *may* suspend the registration of all
2 vehicles registered in the name of a person, under any of the
3 following circumstances:

4 (1) When the United States Secretary of the Department of
5 Transportation or his or her designee issues a lawful
6 out-of-service order pursuant to Title 49 of the Code of Federal
7 Regulations.

8 (2) When the department suspends or revokes a motor carrier
9 of property permit.

10 (3) When the Public Utilities Commission suspends or revokes
11 operating authority or private registration.

12 (c) A suspension imposed pursuant to subdivision (b) shall
13 remain in effect and a vehicle for which registration has been
14 suspended shall not be registered in the name of the person until
15 the department verifies that person's federal registration, federal
16 operating authority, California operating authority, California
17 private registration, or motor carrier of property permit is
18 reissued.

19 SEC. 4. Section 16020 of the Vehicle Code is amended to
20 read:

21 16020. (a) A driver and an owner of a motor vehicle shall at
22 all times be able to establish financial responsibility pursuant to
23 Section 16021, and shall at all times carry in the vehicle evidence
24 of the form of financial responsibility in effect for the vehicle.

25 (b) "Evidence of financial responsibility" means any of the
26 following:

27 (1) A form issued by an insurance company or charitable risk
28 pool, as specified by the department pursuant to Section 4000.37.

29 (2) If the owner is a self-insurer, as provided in Section 16052
30 or a depositor, as provided in Section 16054.2, the certificate of
31 self-insurance or the assignment of deposit letter issued by the
32 department.

33 (3) An insurance covering note or binder pursuant to Section
34 382 or 382.5 of the Insurance Code.

35 (4) A showing that the vehicle is owned or leased by, or under
36 the direction of, the United States or a public entity, as defined in
37 Section 811.2 of the Government Code.

38 (c) For purposes of this section, "evidence of financial
39 responsibility" also may be obtained by a law enforcement
40 officer and court personnel from an electronic reporting system

1 when that system becomes available for use by law enforcement
2 officers.

3 (d) For purposes of this section, “evidence of financial
4 responsibility” also includes any of the following:

5 (1) The name of the insurance company and the number of an
6 insurance policy or surety bond that was in effect at the time of
7 the accident or at the time that evidence of financial
8 responsibility is required to be provided pursuant to Section
9 16028, if that information is contained in the vehicle registration
10 records of the department.

11 (2) The identifying motor carrier of property permit number
12 issued by the Department of the California Highway Patrol to the
13 motor carrier of property as defined in Section 34601, and
14 displayed on the motor vehicle in the manner specified by the
15 Department of the California Highway Patrol.

16 (3) The identifying number issued to the household goods
17 carrier, passenger stage carrier, or transportation charter party
18 carrier by the Public Utilities Commission and displayed on the
19 motor vehicle in the manner specified by the commission.

20 (e) Evidence of financial responsibility does not include an
21 identification number in paragraph (1), (2), or (3) of subdivision
22 (d) if the carrier is currently suspended by the issuing agency for
23 lack or lapse of insurance or other form of financial
24 responsibility.

25 SEC. 5. Section 16502 of the Vehicle Code is amended to
26 read:

27 16502. (a) An owner shall not use, or with his or her consent
28 permit the use of, a vehicle used in the transportation of persons
29 or property in the conduct of a business, without maintaining
30 proof of financial responsibility as required by this chapter.

31 (b) A motor vehicle from another country in which there is no
32 evidence of financial responsibility required pursuant to this
33 chapter or Part 387 (commencing with Section 387.1) of Title 49
34 of the Code of Federal Regulations shall be denied entry into the
35 state.

36 SEC. 6. Section 22651.4 of the Vehicle Code is amended to
37 read:

38 22651.4. (a) A peace officer, as defined in Chapter 4.5
39 (commencing with Section 830) of Title 3 of Part 2 of the Penal

1 Code, may impound a vehicle and its cargo pursuant to Section
2 34517.

3 (b) A member of the department may impound a vehicle and
4 its cargo pursuant to Section 34518.

5 (c) A member of the department may store or impound a
6 vehicle upon determination that the registrant of the vehicle or
7 the driver of the vehicle has failed to pay registration, regulatory,
8 fuel permit, or other fees, or has an outstanding warrant in a
9 county in the state. The impoundment charges are the
10 responsibility of the owner of the vehicle. The stored or
11 impounded vehicle shall be released upon payment of those fees
12 or fines or the posting of bail. The driver or owner of the vehicle
13 may request a hearing to determine the validity of the seizure.

14 SEC. 7. Chapter 2 (commencing with Section 29200) of
15 Division 13 of the Vehicle Code is repealed.

16 SEC. 8. Chapter 3 (commencing with Section 29800) of
17 Division 13 of the Vehicle Code is repealed.

18 SEC. 9. Chapter 4 (commencing with Section 30800) of
19 Division 13 of the Vehicle Code is repealed.

20 SEC. 10. Article 3 (commencing with Section 31500) of
21 Chapter 5 of Division 13 of the Vehicle Code is repealed.

22 SEC. 11. Article 4 (commencing with Section 31510) of
23 Chapter 5 of Division 13 of the Vehicle Code is repealed.

24 SEC. 12. Article 5 (commencing with Section 31520) of
25 Chapter 5 of Division 13 of the Vehicle Code is repealed.

26 SEC. 13. Article 6 (commencing with Section 31530) of
27 Chapter 5 of Division 13 of the Vehicle Code is repealed.

28 SEC. 14. Section 34500 of the Vehicle Code is amended to
29 read:

30 34500. The department shall regulate the safe operation of the
31 following vehicles:

32 (a) Motortrucks of three or more axles that are more than
33 10,000 pounds gross vehicle weight rating.

34 (b) Truck tractors.

35 (c) Buses, schoolbuses, school pupil activity buses, youth
36 buses, farm labor vehicles, and general public paratransit
37 vehicles.

38 (d) Trailers and semitrailers designed or used for the
39 transportation of more than 10 persons, and the towing motor
40 vehicle.

(e) Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.

(f) A combination of a motortruck and a vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.

(g) A truck, or a combination of a truck and any other vehicle, transporting hazardous materials.

(h) Manufactured homes that, when moved upon the highway, are required to be moved pursuant to a permit as specified in Section 35780 or 35790.

(i) A park trailer, as described in Section 18009.3 of the Health and Safety Code, that, when moved upon a highway, is required to be moved pursuant to a permit pursuant to Section 35780.

(j) Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Department of Motor Vehicles, Public Utilities Commission, or United States Secretary of the Department of Transportation, but only for matters relating to hours of service and logbooks of drivers.

(k) A commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or a commercial motor vehicle of any gross vehicle weight rating towing a vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of this subdivision, the term “commercial motor vehicle” has the meaning defined in subdivision (b) of Section 15210.

SEC. 15. Section 34500.3 is added to the Vehicle Code, to read:

34500.3. (a) The department shall adopt rules and regulations that are designed to promote the safe operation of vehicles, regarding cargo securement standards. The regulations adopted pursuant to this section shall be consistent with the securement regulations adopted by the United States Department of Transportation in Part 393 (commencing with Section 393.1) of Title 49 of the Code of Federal Regulations, as those regulations now exist or are amended in the future.

1 (b) Regulations adopted pursuant to subdivision (a) do not
2 apply to the transportation of a pole on a pole dolly by a public
3 utility company or a local public agency engaged in the business
4 of supplying electricity or telephone service, by the Department
5 of Transportation, or by a licensed contractor in the performance
6 of work for a public utility company, a local agency, or the
7 Department of Transportation, when the transportation is
8 between storage yards or between a storage yard and job location
9 where the pole is to be used. However, no more than nine poles
10 shall be transported on a dolly if any of those poles exceeds a
11 length of 30 feet. If poles 30 feet or less are transported by a pole
12 or pipe dolly, no more than 18 poles shall be transported. A pole
13 shall be adequately secured when being transported on a dolly, to
14 prevent shifting or spilling of a load.

15 (c) Regulations adopted pursuant to subdivision (a) do not
16 apply to a farmer transporting his or her own hay or straw,
17 incidental to his or her farming operation, if that transportation
18 requires that the farmer use a highway, except that this
19 subdivision does not relieve the farmer from loading and
20 securing the hay or straw in a safe manner.

21 SEC. 16. Section 34507 of the Vehicle Code is amended to
22 read:

23 34507. To assist the department in enforcing this division, a
24 vehicle that is subject to this division and to the jurisdiction,
25 control, and regulation of the Department of Motor Vehicles, the
26 Public Utilities Commission, or the United States Secretary of
27 the Department of Transportation shall have displayed
28 prominently a distinctive identifying symbol as required by
29 Section 34507.5.

30 SEC. 17. Section 34507.5 of the Vehicle Code is amended to
31 read:

32 34507.5. (a) A motor carrier, as defined in Section 408, a
33 motor carrier of property, and a for-hire motor carrier of
34 property, as defined in Section 34601, shall obtain a carrier
35 identification number from the department. Application for a
36 carrier identification number shall be on a form furnished by the
37 department. Information provided in connection with an
38 application for a carrier identification number shall be updated by
39 a motor carrier upon request from the department.

(b) The carrier identification number assigned to the motor carrier under whose operating authority or motor carrier permit the vehicle or combination of vehicles is being operated shall be displayed on both sides of each vehicle, or on both sides of at least one motor vehicle in each combination of the following vehicles:

(1) Each vehicle set forth in Section 34500.

(2) A motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating.

(3) Any other motortruck or motor vehicle used to transport property for compensation.

(c) A vehicle or combination of vehicles listed in subdivision (b) that is operated under a rental agreement with a term of not more than 30 calendar days shall meet all of the following requirements:

(1) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the lessor.

(2) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles any of the following numbers issued to the lessor:

(A) The carrier identification number issued by the United States Department of Transportation.

(B) A valid operating authority number.

(C) A valid motor carrier of property number.

(3) (A) Have in the vehicle or combination of vehicles a copy of the rental agreement entered into by the lessor and the vehicle operator.

(B) The rental agreement shall be available for inspection immediately upon the request of an authorized employee of the department, a regularly employed and salaried police officer or deputy sheriff, or a reserve police officer or reserve deputy sheriff listed pursuant to Section 830.6 of the Penal Code.

(C) If the rented vehicle or combination of vehicles is operated in conjunction with a commercial enterprise, the rental agreement shall include the operator's carrier identification number or motor carrier of property permit number.

(d) A vehicle or combination of vehicles that is in compliance with Section 390.21 of Title 49 of the Code of Federal

1 Regulations shall be deemed to be in compliance with
2 subdivision (c).

3 (e) This section does not apply to any of the following
4 vehicles:

5 (1) A vehicle described in subdivision (f) of Section 34500,
6 that is operated by a private carrier as defined in subdivision (d)
7 of Section 34601, if the gross vehicle weight rating of the towing
8 vehicle is 10,000 pounds or less, or the towing vehicle is a
9 pickup truck, as defined in Section 471. This exception does not
10 apply to a vehicle combination described in subdivision (k) of
11 Section 34500.

12 (2) A vehicle described in subdivision (g) of Section 34500,
13 that is operated by a private carrier as defined in subdivision (d)
14 of Section 34601, if the hazardous material transportation does
15 not require the display of placards pursuant to Section 27903, a
16 license pursuant to Section 32000.5, or hazardous waste hauler
17 registration pursuant to Section 25163 of the Health and Safety
18 Code.

19 (3) A historical vehicle, as described in Section 5004, and a
20 vehicle that displays special identification plates in accordance
21 with Section 5011.

22 (4) An implement of husbandry as defined in Chapter 1
23 (commencing with Section 36000) of Division 16.

24 (5) A vehicle owned or operated by an agency of the federal
25 government.

26 (6) A pickup truck, as defined in Section 471, and a two-axle
27 daily rental truck with a gross vehicle weight rating of less than
28 26,001 pounds, when operated in noncommercial use.

29 (f) Subdivision (b) does not apply to the following:

30 (1) A vehicle that displays a valid identification number
31 assigned by the United States Secretary of the Department of
32 Transportation.

33 (2) A vehicle that is regulated by, and that displays a valid
34 operating authority number issued by, the Public Utilities
35 Commission, including a household goods carrier as defined in
36 Section 5109 of the Public Utilities Code.

37 (3) A for-hire motor carrier of passengers.

38 (g) The display of the carrier identification number shall be in
39 sharp contrast to the background, and shall be of a size, shape,

1 and color that it is readily legible during daylight hours from a
2 distance of 50 feet.

3 (h) The carrier identification number for a company no longer
4 in business, no longer operating with the same name, or no
5 longer operating under the same operating authority,
6 identification number, or motor carrier permit shall be removed
7 before sale, transfer, or other disposal of a vehicle marked
8 pursuant to this section.

9 SEC. 18. Section 34517 of the Vehicle Code is amended to
10 read:

11 34517. (a) With respect to a commercial motor vehicle from
12 another country, a person shall not operate the vehicle outside the
13 boundaries of a designated commercial zone unless the required
14 operating authority from the United States Secretary of the
15 Department of Transportation has first been obtained.

16 (b) A violation of subdivision (a) is an infraction punishable
17 by a fine of one thousand dollars (\$1,000).

18 (c) Notwithstanding subdivision (b), a peace officer, as
19 defined in Chapter 4.5 (commencing with Section 830) of Title 3
20 of Part 2 of the Penal Code, shall issue a citation for a violation
21 of subdivision (a) to the driver of the vehicle and order the driver
22 of the vehicle to return the vehicle to its country of origin. The
23 peace officer may impound a vehicle cited pursuant to this
24 section and its cargo until the citation and all charges related to
25 the impoundment are cleared. The impoundment charges are the
26 responsibility of the vehicle's owner.

27 (d) As used in this section, "designated commercial zone"
28 means a commercial zone, as defined in Part 372 (commencing
29 with Section 372.101) of Title 49 of the Code of Federal
30 Regulations.

31 SEC. 19. Section 40303 of the Vehicle Code is amended to
32 read:

33 40303. (a) Whenever a person is arrested for any of the
34 offenses listed in subdivision (b) and the arresting officer is not
35 required to take the person without unnecessary delay before a
36 magistrate, the arrested person shall, in the judgment of the
37 arresting officer, either be given a 10 days' notice to appear, or
38 be taken without unnecessary delay before a magistrate within
39 the county in which the offense charged is alleged to have been
40 committed and who has jurisdiction of the offense and is nearest

1 or most accessible with reference to the place where the arrest is
2 made. The officer may require that the arrested person, if he or
3 she does not have satisfactory identification, place a right
4 thumbprint, or a left thumbprint or fingerprint if the person has a
5 missing or disfigured right thumb, on the 10 days' notice to
6 appear when a 10 days' notice is provided. Except for law
7 enforcement purposes relating to the identity of the arrestee, a
8 person or entity shall not sell, give away, allow the distribution
9 of, include in a database, or create a database with, this print.

10 (b) Subdivision (a) applies to the following offenses:

11 (1) Section 10852 or 10853, relating to injuring or tampering
12 with a vehicle.

13 (2) Section 23103 or 23104, relating to reckless driving.

14 (3) Subdivision (a) of Section 2800, insofar as it relates to a
15 failure or refusal of the driver of a vehicle to stop and submit to
16 an inspection or test of the lights upon the vehicle pursuant to
17 Section 2804, that is punishable as a misdemeanor.

18 (4) Subdivision (a) of Section 2800, insofar as it relates to a
19 failure or refusal of the driver of a vehicle to stop and submit to a
20 brake test that is punishable as a misdemeanor.

21 (5) Subdivision (a) of Section 2800, relating to the refusal to
22 submit vehicle and load to an inspection, measurement, or
23 weighing as prescribed in Section 2802 or a refusal to adjust the
24 load or obtain a permit as prescribed in Section 2803.

25 (6) Subdivision (a) of Section 2800, insofar as it relates to a
26 driver who continues to drive after being lawfully ordered not to
27 drive by a member of the Department of the California Highway
28 Patrol for violating the driver's hours of service or driver's log
29 regulations adopted pursuant to subdivision (a) of Section 34501.

30 (7) Subdivision (b), (c), or (d) of Section 2800, relating to a
31 failure or refusal to comply with a lawful out-of-service order.

32 (8) Section 20002 or 20003, relating to duties in the event of
33 an accident.

34 (9) Section 23109, relating to participating in a speed contest
35 or exhibition of speed.

36 (10) Section 14601, 14601.1, 14601.2, or 14601.5, relating to
37 driving while the privilege to operate a motor vehicle is
38 suspended or revoked.

39 (11) When the person arrested has attempted to evade arrest.

1 (12) Section 23332, relating to persons upon vehicular
2 crossings.

3 (13) Section 2813, relating to the refusal to stop and submit a
4 vehicle to an inspection of its size, weight, and equipment.

5 (14) Section 21461.5, insofar as it relates to a pedestrian who,
6 after being cited for a violation of Section 21461.5, is, within 24
7 hours, again found upon the freeway in violation of Section
8 21461.5 and thereafter refuses to leave the freeway after being
9 lawfully ordered to do so by a peace officer and after having
10 been informed that his or her failure to leave could result in his or
11 her arrest.

12 (15) Subdivision (a) of Section 2800, insofar as it relates to a
13 pedestrian who, after having been cited for a violation of
14 subdivision (a) of Section 2800 for failure to obey a lawful order
15 of a peace officer issued pursuant to Section 21962, is within 24
16 hours again found upon the bridge or overpass and thereafter
17 refuses to leave after being lawfully ordered to do so by a peace
18 officer and after having been informed that his or her failure to
19 leave could result in his or her arrest.

20 (16) Section 21200.5, relating to riding a bicycle while under
21 the influence of an alcoholic beverage or a drug.

22 (17) Section 21221.5, relating to operating a motorized scooter
23 while under the influence of an alcoholic beverage or a drug.

24 (c) (1) A person contesting a charge by claiming under
25 penalty of perjury not to be the person issued the notice to appear
26 may choose to submit a right thumbprint, or a left thumbprint if
27 the person has a missing or disfigured right thumb, to the issuing
28 court through his or her local law enforcement agency for
29 comparison with the one placed on the notice to appear. A local
30 law enforcement agency providing this service may charge the
31 requester no more than the actual costs. The issuing court may
32 refer the thumbprint submitted and the notice to appear to the
33 prosecuting attorney for comparison of the thumbprints. When
34 there is no thumbprint or fingerprint on the notice to appear, or
35 when the comparison of thumbprints is inconclusive, the court
36 shall refer the notice to appear or copy thereof back to the issuing
37 agency for further investigation, unless the court finds that
38 referral is not in the interest of justice.

1 (2) Upon initiation of the investigation or comparison process
2 by referral of the court, the court shall continue the case and the
3 speedy trial period shall be tolled for 45 days.

4 (3) Upon receipt of the issuing agency's or prosecuting
5 attorney's response, the court may make a finding of factual
6 innocence pursuant to Section 530.6 of the Penal Code if the
7 court determines that there is insufficient evidence that the
8 person cited is the person charged and shall immediately notify
9 the Department of Motor Vehicles of its determination. If the
10 Department of Motor Vehicles determines the citation or
11 citations in question formed the basis of a suspension or
12 revocation of the person's driving privilege, the department shall
13 immediately set aside the action.

14 (4) If the prosecuting attorney or issuing agency fails to
15 respond to a court referral within 45 days, the court shall make a
16 finding of factual innocence pursuant to Section 530.6 of the
17 Penal Code, unless the court finds that a finding of factual
18 innocence is not in the interest of justice.

19 (5) The citation or notice to appear may be held by the
20 prosecuting attorney or issuing agency for future adjudication
21 should the arrestee who received the citation or notice to appear
22 be found.

23 SEC. 20. No reimbursement is required by this act pursuant
24 to Section 6 of Article XIII B of the California Constitution
25 because the only costs that may be incurred by a local agency or
26 school district will be incurred because this act creates a new
27 crime or infraction, eliminates a crime or infraction, or changes
28 the penalty for a crime or infraction, within the meaning of
29 Section 17556 of the Government Code, or changes the
30 definition of a crime within the meaning of Section 6 of Article
31 XIII B of the California Constitution.